UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 2:23-cv-2294-AB (SKx) Date: February 27, 2024

Title Laser Spallation Technologies, LLC v. The Boeing Company

Present: The Honorable: Steve Kim, United States Magistrate Judge

Connie Chung	n/a
Deputy Clerk	Court Reporter / Recorder

Attorneys Present for Plaintiff(s):	Attorneys Present for Defendant(s):
None present	None present

Proceedings: (IN CHAMBERS) **ORDER CONDITIONALLY GRANTING MOTION TO COMPEL GUPTA DEPOSITION [ECF 91] AND DENYING APPLICATION TO EXPEDITE HEARING ON MOTION TO COMPEL [ECF 92]**

The Boeing Company moves to compel the deposition of Dr. Vijay Gupta, the inventor of the patent-in-suit whose sworn declarations plaintiff Laser Spallation Technologies (LST) relied on significantly to oppose Boeing's motion to dismiss the second amended complaint for lack of specific personal jurisdiction (among other grounds). In early February 2024, the district judge denied Boeing's motion to dismiss on that basis "pending the outcome of jurisdictional discovery." (ECF 86 at 19). Afterward, the district judge set an April 1, 2024 "cut-off for jurisdictional discovery." (ECF 90). Pointing to those orders, Boeing requested that LST produce Dr. Gupta for deposition and—after some back and forth between counsel—eventually noticed (with LST's ostensible agreement) the Gupta deposition for March 8, 2024. LST now evidently maintains, however, that it will not produce Dr. Gupta for deposition on that date (at least in part as relevant here) because the purpose of the jurisdictional discovery that the district judge permitted was so that LST could meet its burden to establish personal jurisdiction over Boeing—and avoid dismissal that is otherwise inevitable on the existing factual jurisdictional record. (ECF 91-1 at 13). Otherwise, in LST's view, "Boeing has no corresponding issues to address" through jurisdictional discovery. (*Id.*).

LST is correct in part. The import of the district judge's February 2024 order is that LST's second amended complaint—on the existing factual record—will be dismissed

Boeing Ex. 1025, p. 1 of 2
Boeing v. Regents Univ. Cal.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 2:23-cv-2294-AB (SKx) Date: February 27, 2024

Title Laser Spallation Technologies, LLC v. The Boeing Company

for lack of personal jurisdiction. So the permitted jurisdictional discovery is intended as a lifeline for LST, not a discovery lasso for Boeing. But it does not therefore follow that LST can block the Gupta deposition if it intends to present new evidence from Dr. Gupta to demonstrate that Boeing has purposefully directed activities to California sufficient to confer specific personal jurisdiction. (The same would go for any witness whose new testimony LST intends to cite in order to avoid dismissal on a renewed motion for lack of personal jurisdiction.)

For these reasons, Boeing's motion to compel the Gupta deposition (ECF 91) is CONDITIONALLY GRANTED on the following terms:

1. By no later than March 8, 2024, LST must produce to Boeing any sworn declaration by Dr. Gupta that it intends to rely on in order to establish personal jurisdiction (in anticipation of a renewed motion to dismiss on that basis by Boeing). It must then produce Dr. Gupta for deposition (not to exceed three hours of recorded testimony) by no later than March 15, 2024 so that he can be questioned on the substance of that new declaration.

2. Alternatively, by no later than March 8, 2024, LST must confirm in writing to Boeing that it will not rely on any further witness testimony from Dr. Gupta in order to establish personal jurisdiction, in which case no Gupta deposition need take place for purposes of the jurisdictional discovery ordered to be completed by April 1, 2024.

With these orders, the hearing on Boeing's motion noticed for April 3, 2024 is vacated. And Boeing's related ex parte application to shorten time for hearing on its motion to compel (ECF 92) is denied as moot. Finally, Boeing's request for monetary sanctions (ECF 91 at 9-10) is denied without prejudice.

IT IS SO ORDERED.

Boeing Ex. 1025, p. 2 of 2
Boeing v. Regents Univ. Cal.